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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,045	08/29/2000	William T. Geddes Jr.	1034-01-PA	8375
22145	7590	06/19/2006	EXAMINER	
KLEIN, O'NEILL & SINGH			THEIN, MARIA TERESA T	
2 PARK PLAZA				
SUITE 510			ART UNIT	PAPER NUMBER
IRVINE, CA 92614			3627	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/650,045	<b>Applicant(s)</b> GEDDES JR. ET AL.	
	<b>Examiner</b> Marissa Thein	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2006 and 30 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 279-285 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 279-285 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The "Reply to Office Action Dated September 21, 2005" filed on March 20, 2006 and the Supplemental Amendment filed on March 30, 2006 have been considered.

Applicants' response by virtue of canceling claims 231-278 has overcome the Examiner's rejection under 35 USC 101.

Applicants' response by virtue of canceling claims 231-278 has overcome the Examiner's rejection under 35 USC 112, second paragraph.

Claims 231-278 have been canceled. New claims 279-285 have been added. Claims 279-285 are pending in this application and an action on the merits follows.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 279-285 are rejected under 35 U.S.C. 103(a) as being unpatentable over the website [www.igive.com](http://www.igive.com) (Give) in view of U.S. Patent No. 5,806,045 to Biorge et al.**

Regarding claims 279-285, Give discloses a computer implemented method for facilitating the allocation of proceeds of a business transaction over a network, comprising the steps of: receiving an arrangement (pages 4-5), the arrangement comprising: an identity of a user acquiring at least one good, service, and information in the business transaction (Shop the iGive.com mall, page 5; page 6; page 9); an identify

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of a provider of at least one good, service, and information to be acquired (merchants; iGive.com Shopping mall; page 6); an identity of at least one of a plurality of beneficiary groups to benefit from the business transaction (page 1; list a cause; page 6; choose your favorite charity); a business transaction proceeds allocation allocating apportion of the proceeds to the at least one of a plurality of beneficiate groups (iGive enables the member to designate a commission specified on the iGive site on purchases from the merchants in iGive mall to the member's account, for later disbursement to the member's selected nonprofit, page 11; the member agrees that the net proceeds of any such showings will be delivered by iGive to the member's account, for later disbursement to a qualified nonprofit organization designed by the member or the member themselves, page 11); and executing the business transaction pursuant to the arrangement, by causing the delivery of the at least one good, service, and information to the user and causing a payment entity to distribute the proceeds of the business transaction to the provider and the at least one of a plurality of beneficiary groups, pursuant to the business transaction proceeds allocation (page 11; page 14).

Furthermore, Give discloses proceeds allocation is based upon predetermined percentages stored in an information server (page 16, Does my cause get the full percentage listed) (**claim 280**); the network is selected from the group consisting of the Internet, a communication system, a wired connection and a wireless connection (page 20, the internet helps us to create a simple, fast, individualized, and inexpensive connection; page 20, Web) (**claim 281**); proceeds allocating is selected from the group consisting of a fixed fee per transaction, a percentage per transaction, and a per

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transaction arrangement (page 37, less a service fee; page 11, The member agrees that, after deducting for iGive's commission and fees) (**claim 282**); online (page 20, online) (**claim 283**).

However, Give does not explicitly disclose a payment to be made by the user to acquire the at least one good, service and information and authorization from the user to effect the payment (**claim 284**); and off-line transaction (**claim 285**). Give does disclose the member's account (page 11) and the purchase information (page 18).

Biorge, on the other hand, teaches a payment to be made by the user to acquire the at least one good, service and information (col. 8, lines 39-41; col. 14, lines 23-42) and authorization from the user to effect the payment (col. 8, lines 39-41; col. 14, lines 23-42); and off-line transaction (col. 14, lines 40-42; col. 5, lines 16-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Give, to include a payment to be made by the user to acquire the at least one good, service and information; authorization from the user to effect the payment; and off-line transaction, as taught by Biorge, in order to carry out the transaction (Biorge, col. 4, lines 7-8).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot  
June 11, 2006



**STEVE B. MCALLISTER**  
**PRIMARY EXAMINER**

In newly added claims 279 – 285, Applicants have described their unique and novel method for facilitating the allocation of proceeds from a business transaction between at least one of a plurality of beneficiary groups and at least one provider. In an effort to simplify examination of the claims, Applicants hereby provide a list of definitions of some of the elements in the claims, and the location in the specification where the element is defined.

#### DEFINITIONS

1. USER – the “buyer,” who is the person or entity that obtains a good, service, and information. (See page 3, lines 26-31 of the specification)
2. PROVIDER - the provider is the person that is the source of the good, service, and information (See page 3, lines 26-31 of the specification)
3. BENEFICIARY GROUP- is a person or entity, agreed to by user and provider, that receives benefit from the business transaction between the user and provider. (See page 6, lines 10-23 of the specification)
4. BENEFIT - a determined portion of the proceeds. (See page 6, lines 10-23 of the specification)
5. PROCEEDS - is the entire payment from the user (or buyer). (See page 20, lines 7-13 of the specification)
6. A PORTION OF THE PROCEEDS - the determined portion of the proceeds. (See page 20, lines 23-31 of the specification)
7. BUSINESS TRANSACTION PROCEEDS ALLOCATION - the novel splitting of the business transaction proceeds, wherein by a previous arrangement between the user and provider, proceeds of the business transaction are allocated to the provider and at least one beneficiary group. (See page 21, lines 14-21 of the specification)



8. PAYMENT ENTITY - includes a credit card company, a merchant bank, etc. (see page 20, lines 6-7)

9. ARRANGEMENT – matching a user with a provider to permit the conducting of a business transaction between the user and the at least one associated provider so that the user can obtain the desired good, service, or information (see page 18, lines 26-31)

In conventional on-line or off-line business transactions, the entire proceeds (i.e. payment for the goods, services or information) from the transaction is distributed, by or by order of the user, to the provider (i.e. a person or entity) from the user's cash, credit card or other payment entity, after the provider notifies the payment entity of the transaction.

However, and unlike conventional methods, the present invention divides and allocates the proceeds of the transaction between a beneficiary group and the provider. After the user completes a search, an arrangement is provided that identifies the user, good, service, and/or information to be acquired, the provider, the form of payment, the identity of the beneficiary group, the portions of the proceeds to be allocated to the beneficiary group and provider, and authorization from the user to effect the payment. Upon the making of the arrangement, the business transaction is executed pursuant to the details of the arrangement. The business transaction is then executed. Upon execution of the business transaction, the user receives the good, service, and/or information and, through the payment entity, provides payment. Proceeds from the payment are distributed between the provider and the beneficiary group, not just the provider.

**CONCLUSION**

In view of the above, Applicants respectfully request allowance of independent claim 279 and subsequently claims 280-287 which depend therefrom. If the Examiner believes that a telephone conference with Applicants' representative might expedite prosecution of this application, she is cordially invited to call at the number listed below.

Respectfully submitted,

10 Dated: March 30, 2006

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